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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,395	09/30/2003	Eiichi Kito	Q77744	4139
23373	7590	03/23/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LOVEL, KIMBERLY M	
			ART UNIT	PAPER NUMBER
			2167	
DATE MAILED: 03/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,395

Applicant(s)

KITO, EIICHI

Examiner

Kimberly Lovel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1. Claims 1-19 are pending.
2. Claims 1-19 are rejected.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 6/23/2004 was filed after the mailing date of the application on 9/30/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: item 17 (Fig 1, Fig 9, Fig 11 and Fig 12); item 18 (Fig 1, Fig 9, Fig 11 and Fig 12); and S109 (Fig 4 and 10). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the

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description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by US
PGPub 20030009569 to McIntyre et al (hereafter McIntyre et al).

Referring to claim 1, McIntyre et al disclose an image management device (see
abstract), comprising:

an image storage unit which accumulates and stores a plurality of photographic
image data sets (see [0053], lines 13-26 and Fig 1, item 10);

an image receiving unit which receives the plurality of photographic image data
sets from customers and stores the plurality of photographic image data sets, along with
customer data related to the customers, in a state accessible to the customers (see
[0054] and Fig 1, item 80);

an image storage expiration determining unit which determines whether to expire
from storage the plurality of photographic image data sets accumulated and stored in
the image storage unit (see [0068], lines 22-37 – the service provider decides whether
the ordering period has expired, and if it has then converts high resolution images into
low resolution images); and

a storage recording unit which records the plurality of photographic image data
sets determined to be expired from storage by the image storage expiration unit onto a
storage recording medium which can be returned to the customers (see [0068], lines
22-37 – when the ordering period expires, the high resolution files are transferred back
to the user computer and stored thereon).

Referring to claim 2, McIntyre et al disclose the image management device according to claim 1, wherein the image receiving unit determines whether a received photographic image data set, from among the plurality of received photographic image data sets, has been already received before, based on additional information attached to the photographic image data set, and receives only photographic image data sets which have not been received yet (see [0054], lines 29-39 and [0076], lines 9-28 – the receiving unit checks to see which data has not yet been received by automatically checking the user database).

Referring to claim 3, McIntyre et al disclose the image management device according to claim 1, wherein the image receiving unit transfers and stores the plurality of received photographic image data sets in the image storage unit through a network (see [0052], lines 2-6 and Fig 1, item 50).

Referring to claim 4, McIntyre et al disclose the image management device according to claim 1, wherein the image storage expiration determining unit determines storage expiration for each pre-classified photographic image data group (see [0068], lines 22-37 – the service provider decides whether the ordering period has expired, and if it has then converts high resolution images into low resolution images).

Referring to claim 5, McIntyre et al disclose the image management device according to claim 1, wherein the storage recording unit records the plurality of photographic image data sets onto the storage recording medium so that associated photographic image data sets can be reproduced, by: associating the plurality of photographic image data sets; designating a representative photographic image data set from among the associated plurality of photographic image data sets; and selecting the representative photographic image data set during reproduction (see [0052]).

Referring to claim 6, McIntyre et al disclose the image management device according to claim 1, wherein the storage recording unit associates and records photographic image data sets and additional information, related to the photographic image data sets, onto the storage recording medium (see [0054] and [0068], lines 22-37 – the service provider decides whether the ordering period has expired, and if it has then converts high resolution images into low resolution images).

Referring to claim 7, McIntyre et al disclose the image management device according to claim 1, wherein the image storage unit stores the plurality of photographic image data sets, which have been recorded onto the storage recording medium, for a predetermined period of time in a state where the customers cannot access the plurality of photographic image data sets, and thereafter, deletes the plurality of photographic image data sets from the image storage unit ([0070] – the images are temporarily stored until they can be transferred).

Referring to claim 8, McIntyre et al disclose the image management device according to claim 1, further comprising a printing unit which prints an index print of the plurality of photographic image data sets when the plurality of photographic image data sets are recorded onto the storage recording medium (see [0067]).

Referring to claim 9, McIntyre et al disclose the image management device according to claim 8, wherein the printing unit includes selecting means for selecting desired photographic image data sets from among the plurality of photographic image data sets recorded onto the storage recording medium, and the index print is created for only the photographic image data sets selected by the selecting means (see [0066]-[0067]).

Referring to claim 10, McIntyre et al disclose the image management device according to claim 1, further comprising a checking unit for checking customer data recorded in the storage recording medium against the customer data stored along with the image data sets accumulated in the image storage unit, when additional image data sets are to be recorded into the storage recording medium in which image data sets of a predetermined customer are already stored by the storage recording unit; wherein the storage recording unit records the image data sets for which the customer data checked by the checking unit match, in the storage recording medium (see [0054] – the device can automatically check to see if new information is in the user database by comparing

metadata that is attached to the image; the metadata includes customer account information).

Referring to claim 11, McIntyre et al disclose an image management system which connects user terminals and an image management device through a network, in which the image management device has an image storage unit which accumulates and stores a plurality of photographic image data sets (see abstract; [0052], lines 2-6; and Fig 1);

an image receiving unit which receives the plurality of photographic image data sets from customers and stores the plurality of photographic image data sets in a state accessible to the customers, along with customer data related to the customers (see [0054] and Fig 1, item 80);

an image storage expiration determining unit which determines whether to expire from storage the plurality of photographic image data sets accumulated and stored in the image storage unit (see [0068], lines 22-37 – the service provider decides whether the ordering period has expired, and if it has then converts high resolution images into low resolution images); and

a storage recording unit which records the plurality of photographic image data sets determined to be expired from storage by the image storage expiration unit onto a storage recording medium (see [0068], lines 22-37 – when the ordering period expires, the high resolution files are transferred back to the user computer and stored thereon);

wherein the image storage expiration determining unit includes storage expiration notifying means for notifying the user terminals of storage expiration of the plurality of photographic image data sets, which have been determined to be expired (see [0068], lines 22-37 – the user's terminal is notified that the order period has expired by placing the image files in the users low resolution image collection).

Referring to claim 12, McIntyre et al disclose the image management system according to claim 11, wherein the storage expiration notifying means further notifies the user terminals of customers who have permission to view the plurality of photographic image data sets, of storage expiration of the plurality of image data sets which have been determined to be expired (see [0069] – if the other users are registered, then they also will automatically receive the expired images in their low resolution image collection).

Referring to claim 13, McIntyre et al disclose an image management system as defined in claim 11, wherein the storage recording unit records onto the storage recording medium via a network (see [0068], lines 29-32; [0052], lines 2-6; and Fig 1, item 50 – the images are automatically placed in the user's low resolution image collection; the service provider and the user computer communicate through the network).

Referring to claim 14, McIntyre et al disclose an image management system as defined in claim 12, wherein the storage recording unit records onto the storage recording medium via a network (see [0069], lines 12-15; [0052], lines 2-6; and Fig 1, item 50).

Referring to claim 15, McIntyre et al disclose an image management system which connects a plurality of image management devices through a network, in which the image management device has an image storage unit which accumulates and stores a plurality of photographic image data sets (see abstract; [0052], lines 2-6; [0061] and Fig 1, items 10, 16, 50 and 80 – user computer and third party computers are considered to represent a plurality of devices);

an image receiving unit which receives the plurality of photographic image data sets from customers and stores the plurality of photographic image data sets in a state accessible to the customers, along with customer data related to the customers (see [0054] and Fig 1, item 80);

an image storage expiration determining unit which determines whether to expire from storage the plurality of photographic image data sets accumulated and stored in the image storage unit (see [0068], lines 22-37 – the service provider decides whether the ordering period has expired, and if it has then converts high resolution images into low resolution images); and

a storage recording unit which records the plurality of photographic image data sets determined to be expired from storage by the image storage expiration unit onto a

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storage recording medium; wherein the plurality of photographic image data sets have attached thereto storage information, which specifies a predetermined storage location of the photographic image data for a digital camera or the customers (see [0068], lines 22-37 – when the ordering period expires, the high resolution files are transferred back to the user computer and stored thereon); and

the image receiving unit transfers the plurality of photographic image data sets to a predetermined image management device according to the storage information of the plurality of received photographic image data sets and stores the plurality of photographic image data sets in the image storage unit of the image management device (see [0054] and Fig 1, item 80; and [0068], lines 22-37).

Referring to claim 16, McIntyre et al disclose the image management system according to claim 15, wherein: the image storage expiration determining unit includes storage expiration notifying means for notifying the user terminals of storage expiration of photographic image data sets determined to be expired (see [0068], lines 22-37 – the user's terminal is notified that the order period has expired by placing the image files in the users low resolution image collection).

Referring to claim 17, McIntyre et al disclose the image management system according to claim 16, wherein the storage expiration notifying means further notifies the user terminals of customers who have permission to view the plurality of photographic image data sets, of storage expiration of the plurality of image data sets which have been determined to be expired (see [0069] – if the other users are registered, then they also will automatically receive the expired images in their low resolution image collection).

Referring to claim 18, McIntyre et al disclose the image management system according to claim 16, wherein the storage recording unit records onto the storage recording medium via a network (see [0068], lines 29-32; [0052], lines 2-6; and Fig 1, item 50 – the images are automatically placed in the user's low resolution image collection; the service provider and the user computer communicate through the network).


Referring to claim 19, McIntyre et al disclose the image management system according to claim 17, wherein the storage recording unit records onto the storage recording medium via a network (see [0069], lines 12-15; [0052], lines 2-6; and Fig 1, item 50).

Contact Information


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kimberly Lovel
Examiner
Art Unit 2167

kml
17 March 2006


SHAHID ALAM
PRIMARY EXAMINER